Assembly Bill No. 173

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Passed the Assembly April 14, 2011

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Chief Clerk of the Assembly

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Passed the Senate June 23, 2011

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Secretary of the Senate

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    This bill was received by the Governor this ⎯⎯⎯ day of ⎯⎯⎯⎯⎯⎯⎯, 2011, at ⎯⎯⎯ o'clock ⎯⎯м.

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Private Secretary of the Governor

CHAPTER _____

An act to amend Section 354.4 of the Code of Civil Procedure, relating to Armenian Genocide, and declaring the urgency thereof, to take effect immediately.

AB 173, Gatto. Armenian Genocide victims.

Existing law authorizes any Armenian Genocide victim, as defined, or the heir or beneficiary of that victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased or in effect in Europe or Asia between 1875 and 1923 from a defined insurer, to bring a legal action to recover on that claim in a court in this state. Existing law also provides that any action, including any pending action brought by an Armenian Genocide victim, or the heir or beneficiary of that victim, whether a resident or nonresident of this state, seeking benefits under the insurance policies issued or in effect between 1875 and 1923, shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is filed on or before December 31, 2010.

This bill would extend the deadline for filing that action to December 31, 2016.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 354.4 of the Code of Civil Procedure is amended to read:

354.4. (a) The following definitions govern the construction of this section:

(1) "Armenian Genocide victim" means any person of Armenian or other ancestry living in the Ottoman Empire during the period of 1915 to 1923, inclusive, who died, was deported, or escaped to avoid persecution during that period.

(2) "Insurer" means an insurance provider doing business in the state, or whose contacts in the state satisfy the constitutional

requirements for jurisdiction, that sold life, property, liability, health, annuities, dowry, educational, casualty, or any other insurance covering persons or property to persons in Europe or Asia at any time between 1875 and 1923.

(b) Notwithstanding any other provision of law, any Armenian Genocide victim, or heir or beneficiary of an Armenian Genocide victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased or in effect in Europe or Asia between 1875 and 1923 from an insurer described in paragraph (2) of subdivision (a), may bring a legal action or may continue a pending legal action to recover on that claim in any court of competent jurisdiction in this state, which court shall be deemed the proper forum for that action until its completion or resolution.

(c) Any action, including any pending action brought by an Armenian Genocide victim or the heir or beneficiary of an Armenian Genocide victim, whether a resident or nonresident of this state, seeking benefits under the insurance policies issued or in effect between 1875 and 1923 shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is filed on or before December 31, 2016.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the insurance policy claims of Armenian Genocide victims will not be dismissed for failure to comply with the statute of limitations, it is necessary that this bill take effect immediately.

Approved ⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯, 2011

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Governor